

REMARKS/ARGUMENTS

Claims 1 and 3-12 were pending. Claim 1 has been amended, and no new claims have been added. No new matter has been introduced with this amendment. Reconsideration of the present application is respectfully requested in light of the foregoing amendments and the following remarks.

Response to Arguments

Applicant appreciates The Office Action's detailed review of the Applicant's previous arguments filed June 6, 2007. Applicant appreciates that the previous arguments were considered and found persuasive in at least some aspects, although not in every aspect.

Claim Rejections 35 U.S.C. § 103

Claims 1 and 3-12 have been rejected under 35 U.S.C. 103 (a) for allegedly being obvious over Kielbowicz (US 5,759,398) and further in view of Regulatory Guide 1.82. In order to further the prosecution of the presently pending claims, Applicant has amended independent claim 1 as set forth above. Applicant respectfully submits that claim 1 as amended is patentable over the combination as suggested by the Office Action for reasons set forth below.

Applicant believes that the rejection of the claims are at least in part based on an inconsistent and vague interpretation of the claims, in particular of the terms "spaced apart walls", "intermediate walls" and "double walls". Applicant also notes that in Kielbowicz the reference numbers 11 and 12 are not used consistently. For example, in Fig. 2 and the specification (col. 2, lines 37-41) of Kielbowicz each cassette unit has two axial end wall sections 11 and 12 while Fig. 5 shows a cassette unit having two axial end wall sections 12. According to the Office Action the claimed "intermediate walls" and "spaced apart walls" correspond to the "sequences of walls 11, 13" (see e.g. in the middle of page 4 and last paragraph on page 7 of the Office Action). Applicant notes that it is unclear whether the Office Action regards the "intermediate walls" and "spaced apart walls" as consisting of two consecutive wall sections 11 or of the straight parts of two consecutive segments 13 or of a sequence of a wall section 11, a segment 13 and a wall section 11[12]. Applicant respectfully submits that as a consequence of this interpretation, the term "cassette unit" itself becomes obscure.

Accordingly, Applicant has amended independent claim 1 as set forth above to at least better define the claimed invention to better distinguish the invention over the cited references taken alone or in combination.

The Office Action cites the KSR case in order to refute the Applicant's prior arguments. In KSR, the Supreme Court dealt with the obviousness of a claim contained in U.S. Patent No. 6,237,565. All features of the particular claim were disclosed in prior art documents belonging to the same technical field as the claimed subject matter. The passage "a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success " is cited several times in the present Office Action is, however, incomplete since the succeeding sentence "In that instant the fact that a combination was obvious to try might show that it was obvious under § 103" is omitted in the citation. Applicant respectfully submits that the passage from KSR cited in the present Office Action is clearly directed to a combination of known options.

However, Applicant respectfully submits that the protective screen as recited by amended claim 1 of the present application, on the other hand, contains elements and features that are not known in the prior art, for reasons set forth below.

First, the claimed protective screen differs from the screen disclosed by Kielbowicz in that it includes at least one screen wall element built up of one or more modular rectangular cassette units. Kielbowicz and Regulatory Guide 1.82 do not disclose a wall element built up of rectangular cassette units.

Second, the claimed protective screen differs further from the screen disclosed in Kielbowicz in that the cassette units each contain spaced apart walls and one or more intermediate walls arranged between and apart from the spaced apart walls. Kielbowicz does not disclose a cassette unit having an intermediate wall arranged between and apart from spaced apart walls. The cassette unit shown in Figs. 3, 4 and 5 and described in col. 2, lines 24-52 of Kielbowicz only discloses spaced apart walls 12 [11].

Third, the claimed protective screen differs further from the screen disclosed in Kielbowicz in that the rectangular cassette units are configurable for placement in a row in order to assemble the screen wall element in the desired size. The cylindrical cassette units 8 disclosed

in Kielbowicz can be stacked in an axial direction but the cassette units and the achieved result is different. Moreover, they do not allow assembling a screen wall element in the desired size. For at least these reasons the prior art structure fails to suggest or disclose the claimed invention even when modified in accordance with the Office Action, nor is the prior art capable of performing the intended use. Applicant respectfully submits that the protective screen as defined by amended claim 1 of the present application cannot be rendered obvious by a combination of known options as is suggested by the Office Action.

Furthermore, the Office Action takes the position "[t]hat it would have been obvious to one skilled in the art at the time of invention to modify the screen taught by '398 to have a rectangular cassettes, i.e., to reduce the curvature of the sieve pocket structure as pictured in FIG. 4, in order to provide a screen endowed with the advantageous sieve pocket structure in the conventional sump pit structure on page 11 of RG 1.82. It would require only metalworking skills to accomplish this modification,". However, Applicant respectfully submits that the above statement appears to concentrate on visual aspects only while neglecting the technical aspects of reducing the curvature of the sieve pocket structure. Applicant states that reducing the curvature changes the mechanical properties and in particular the strength of the structure completely. If the curvature of a Roman arch is reduced it will finally lose all its strength and fall to pieces. A corresponding flat structure is a completely different construction. The rectangular cassette units claimed in the present application constitute a new and patentable construction based on a different mechanical concept. Moreover, it cannot be predicted from the curved structured of the cassette units disclosed by Kielbowicz that a corresponding flat structure will perform equally well. Applicant believes to a point of certainty that a person skilled in the art knows and appreciate this significant difference. A hoop when flattened to a strip completely lacks the structural capabilities of the hoop. Even if Regulatory Guide 1.82 provides some incentive for designing a flat screen, this does not make obvious the specific mechanical concepts underlying the protective screen claimed in the present application.

Applicant submits that even if the curvature of the Kielbowicz sieve pocket structure is reduced as suggested by the Office Action, the so-modified cassette units would not render obvious the presently claimed cassette units since Kielbowicz discloses cassette units

which are one sieve pocket in height (see e.g. Fig. 5 and col. 2, lines 37-52 of Kielbowicz). In particular, the cassette units disclosed by Kielbowicz lack an intermediate wall arranged between and apart from spaced apart walls. The cassette units claimed in the present application, on the other hand, include at least one intermediate wall arranged between and apart from spaced apart walls. The claimed cassette units have the advantage that they are shorter and more rigid for a given weight and they therefore have a higher load carrying capacity.

Furthermore, the presently claimed cassette units have an additional advantage in that they do not need a peripheral wall. The screen disclosed by Kielbowicz includes a peripheral wall 3 which is needed for easy assembly of the cassette units in the screen, for achieving a sufficient load carrying capacity of the screen (the peripheral wall is self supporting due to its cylindrical shape and forms a rigid part together with the cassette units, thus improving the rigidity of the screen) and as a prescreen for larger objects. In contrast, the wall elements claimed in the present application, have a sufficient load carrying capacity without a prescreen attached to the wall element, since a flat prescreen attached to the wall elements would only minimally improve load carrying capacity. It has been shown by the Applicant that the load carrying capacity of the screen wall elements of the claimed construction of the cassette units can be achieved without attaching a prescreen to the wall element. In addition, it has been shown by the Applicant that the claimed screen wall element fulfills the screening function without a prescreen attached to the wall element.

Furthermore, Applicant notes that due to the risks involved in an emergency cooling system of a nuclear power plant, manufacturers as well as power plant operators are very reluctant in accepting new concepts in a critical component such as a protective screen for an emergency cooling system. It is therefore not accepted practice that one having "conventional metalworking skills" makes a flat screen having sieves which look similar to the sieves used in the screen disclosed by Kielbowicz. Applicant states that the construction and the operational testing of the claimed protective screen was a project that spanned years. During these years there was always the chance that the new screen would not meet expectations since, for example there could be a strength problem under certain load conditions that had not been detected previously. Thus, in the beginning of the project none of those involved could have predicted the

results or the success of the project. Neither was it possible to assess the economic feasibility or viability of the novel protective screens. Applicant now states that over the recent years the claimed protective screen has gained acceptance and has seen successful sales in several important countries.

For at least these reasons Applicant respectfully submits that amended independent claim 1 is patentable over Kielbowicz, the Regulatory Guide, and a hypothetical combination of Kielbowicz and the Regulatory Guide. The dependent claims 3-12 which include every feature and element of amended independent claim 1 are also patentable at least because they depend from a patentable claim.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-273-7512 (direct).

Respectfully submitted,



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